

MINUTES
BOARD OF ZONING APPEALS
September 28, 2020

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 28, 2020 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Tom Allen, Rick Keeven, Dan Smith, Jeff Johnson, Justin Taylor (Senior Planner), Johnny Latsko (Assistant Planner), Kim Arnold (Recording Secretary)

Absent: Tammy Dalton, Scott Reust (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

APPROVAL OF MINUTES

The August 24, 2020 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the August 24, 2020 meeting minutes as presented. Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2020-09-01—Use Variance- Allow Auto Sales in an I-2 District- Allen turned the meeting over to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Use Variance to allow Auto Sales in an I-2.

Auto Sales are not permitted in an I-2. There is currently an auto-sales lot down the road in an I-2 located at 2775 N Detroit St. A Use Variance to allow retail sales in an I-2 was allowed for this site in 2006. Previous sign permits show in 1998 this lot was used for auto sales. Considering the location, history of the site, and surrounding land uses, it is the recommendation of the Planning Department that the Board approve this request.

Relevant Regulations:

12.2.2.1 – I-2 Light Industrial District

Description of district. The I-2 light industrial district is intended to provide lands for development by most general types of industrial firms. The regulations are designed to permit operations in a clear and quiet manner and to protect adjacent district uses and industries within the [I-2] district. Residential uses are prohibited in this district to conserve and protect the supply of industrial land for industrial use.

16.0 Permitted Uses:

	C-3	C-5	I-2	All Others
Automobile dealers/RV dealers	P	P		

Allen opened the meeting to any person wishing to speak in favor or against the petition. Jordan Greenberg, the petitioner, was present to explain the request and answer any questions. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Motion was made by Smith to approve *2020-09-01-Use Variance-2249 N Detroit St.* Johnson seconded the motion. The motion passed unanimously.

2020-09-02-Use Variance-Allow a Home Occupation in an R-1- Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Use Variance to allow home occupation in an R-1 District. R-1 is the most restrictive residential zoning district, intended only for low density single-family residential development.

The proposed business is an eyebrow service. The petitioner stated an estimated 5 to 6 customers per day Monday through Wednesday, and 6 to 8 customers Friday through Saturday. The business would operate during normal business hours. Customers would come one at a time by appointment only and would park in the driveway.

There are currently no commercial properties in the subdivision, nor does the road act as a primary thoroughfare for nearby commercial businesses.

The subdivision has a restriction disallowing any commerce or trade on the lots (see attachment 2).

The land classification in the comprehensive plan is medium density residential, meaning its land uses are most fit for single-family detached residential dwellings (see attachment 3).

The Planning Department has received two letters against the approval of this request. Each letter sites concerns relating to the existing restrictions, as well as one which sites concerns with traffic.

While some instances of home occupation have been allowed for beauty salons in R-1 districts in the past, it is generally discouraged due to the nature of individuals coming to the home. Additionally, because there is no existing source of non-residential traffic or commercial uses in

the neighborhood, it is the opinion of the Planning Department that the Board does not approve this request.

Relevant Regulations:

12.0.1 – RR-1, R-1 residential district.

Description of district. This [R-1] district is the most restrictive of the residential districts and includes the low density single-family residential areas of the city and those open areas where similar residential development appears to be likely to occur. The intent of this [R-1] district is to provide for an environment of predominantly low density single-family development with certain additional uses such as schools, parks and other public uses which serve the residents living in the area.

Home Occupation Definition - Article 11

Home occupation. An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed, and no change in the external appearance of the building shall be caused thereby, and that no accessory building shall be used for such home occupation.

Other references to home occupation in the code 12.4

p. Home occupations shall be permitted in any principal residential building or structure located in R-2 and R-3 zone districts, provided that:

1. No persons other than members of the family residing on the premises shall be engaged or employed in such occupation.
2. The use of a dwelling unit or private garage for a home occupation shall be clearly incidental to its principal use for residential purposes.
3. There shall be no change in the outside appearance of the building or premises or other evidence of such occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal building.
4. There shall be no outside storage.
5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference outside the dwelling unit in amounts greater than present under normal circumstances.
6. No commodity shall be sold on the premises.
7. No mechanical equipment shall be installed except that which is customarily used for purely domestic or household purposes.

Allen opened the meeting to any person wishing to speak for or against the petition. Vani Kasireddy and Nagendra Peddireddy were present. Nagendra spoke on behalf of his wife, to explain the request and answer any questions. They wish to purchase the home at 2332 Highlander Dr. and operate a home based business from that location. He stated there will be no extra traffic and customers will park in the driveway. Customers will be by appointment only. They are considering purchasing the house based on the decision of the BZA. Discussion followed between the petitioner and members. No other person was present to speak for or against the petition. Two emails were discussed that were received by the Planning Department prior to the meeting. Both emails were requesting the BZA deny the request. Allen closed the

meeting to the public. Discussion followed between the members. Motion was made by Keeven to decline the request. Johnson seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be October 26, 2020

Keeven made a motion to adjourn the meeting. Johnson seconded the motion. The motion carried unanimously.

Tom Allen, President

Kim Arnold, Recording Secretary